

# Notice of Allowability

Application No.

09/808,650

Examiner

Jonathan Ouellette

Applicant(s)

PEYTON, JEFFREY L.

Art Unit

3629

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/26/07.
2. ☒ The allowed claim(s) is/are 1,5-13,16-18,20,21 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### *Response to Amendment*

1. Claims 2-4, 14-15, 19, and 22 have been previously cancelled; therefore Claims 1, 5-13, 16-18, 20, 21, and 23 remain pending in application 09/808,650.

### *Examiner's Comment*

2. The Amendment submitted on 3/26/2007 does not properly indicate the status of Claim 19. However, the Applicant previously canceled Claim 19 with an amendment submitted 6/2/2003. Therefore, the Examiner will assume the claim remains cancelled, for the purpose of progressing the prosecution of application 09/808,650.

### *Allowable Subject Matter*

3. **Claims 1, 5-13, 16-18, 20, 21, and 23 are allowed.**
4. The following is a statement of reasons for the indication of allowable subject matter:
5. As per **Independent Claims 1, 7, 16, and 23**, the cited prior art fails to teach or disclose an online training laboratory, having a plurality of development segments with multimedia audio and video files containing content, the plurality of developmental segments comprising: Instructions on construction of the puppets, Communications, Show& Tell, Journal Writing, Curriculum Link, Problem-Solving, Storytelling, Children's Workshop, Adult Workshop, Staff Development, Evaluation, Research Associate, Special Project Partners and Special Education, wherein the method/system

facilitates learning and communication by a remote site user with other remote site users and the training laboratory, and a remote site user selects one or more of the plurality of provided developmental segments in connection with use/play of one or more images in paper form/puppets to promote right brain visual thinking, processing and communication.

6. **Puppetools (www.puppetools.com, retrieved from Internet Archive Wayback Machine <www.archive.org>, date range: 12/22/1997- 3/1/2000, Applicant's publically disclosed prior art)** discloses the elements of the claimed neurological development invention, such as: providing one or more images in a computer environment, the one or more images being provided by content providers (the web site provides the images – and is a content provider; users can also submit images for use by others), a remote site user (internet user) downloading selected of said one ore more images to provide said images in paper form (printing); forming said paper form to create a puppet representative of said image by affixing a hinge to the paper form [a hinge attached or integrated to said paper form, said hinge being adapted for hand manipulation to create a hand actuated puppet representative of said one or more images] (pgs.9-16); and interacting with an on-line training laboratory (online training course) on the puppet site (pg.7, pgs.17-21), the training laboratory comprising a plurality of developmental segments having multimedia audio and video files containing content which facilitates learning and communication in connection with play with the puppet (further disclosed in description of site under construction, pg. 4).

7. **Enchanted Learning (www.enchantedlearning.com)** discloses a puppetry based communication method (business method, system, a computer readable medium), comprising the steps of: providing one or more images in a computer environment, downloading selected of said one ore more images to provide said images in paper form (printing); forming said paper form to create a puppet representative of said image; a hinge attached or integrated to said paper form, said hinge being adapted for hand manipulation to create a hand actuated puppet representative of said one or more images (www.enchantedlearning.com).
8. **McMenimen et al. (US 6,514,079)** discloses interacting with an on-line (C5 L3-6) training laboratory, the training laboratory comprising a plurality of developmental segments having multimedia audio and video files to facilitate learning and communication in connection with performance of an occupational skill (Abstract, C1 L62-67, C2 L51-63, C3 L6-14, C4 L1-23, C4 L45-49).
9. However, none of the disclosed prior art (Puppetools, Enchanted Learning, or McMenimen), separately or in combination, teaches or discloses an online training laboratory, having a plurality of development segments with multimedia audio and video files containing content, the plurality of developmental segments comprising: Instructions on construction of the puppets, Communications; Show& Tell, Journal Writing, Curriculum Link, Problem-Solving, Storytelling, Children's Workshop, Adult Workshop, Staff Development, Evaluation, Research Associate, Special Project Partners and Special Education, wherein the method/system facilitates learning and communication by a remote site user with other remote site users and the training laboratory, and a remote site

user selects one or more of the plurality of provided developmental segments in connection with use/play of one or more images in paper form/puppets to promote right brain visual thinking, processing and communication.

10. The remaining dependent **Claims 5, 6, 8-13, 17, 18, 20, and 21** are considered allowable, as they are dependent on an allowable independent claim.
11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

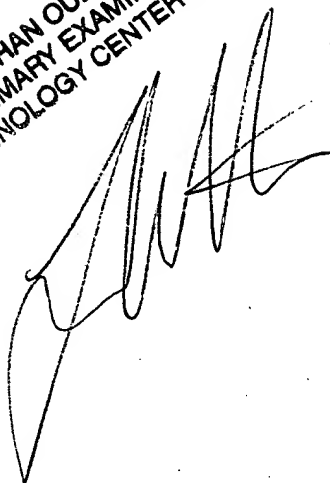
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March 30, 2007

JONATHAN OUELLETTE  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read 'J. Ouellette', is written over the printed name and title.